

IN THE MATTER OF: * BEFORE THE MARYLAND COMMISSIONER
 *
 *
 First Ohio Banc & Lending, * OF FINANCIAL REGULATION
 Inc *
 Respondent *
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* * * * *

SETTLEMENT AGREEMENT AND CONSENT ORDER

This Settlement Agreement is entered into this 22 day of February, 2010 by and between the Commissioner of Financial Regulation of the State of Maryland (the "Commissioner") and First Ohio Banc & Lending, Inc. ("First Ohio").

WHEREAS the Commissioner is charged under Title 11, Subtitle 5 of the Annotated Code of Maryland, Financial Institutions Article, the Maryland Mortgage Lender Law (the "MMLL"), with the responsibility of licensing and regulating mortgage lenders who make or broker consumer loans secured by residential real property located in this State; and

WHEREAS First Ohio hold two licenses in this State to operate as a mortgage lender at 6100 Rockside Woods Boulevard, #100, Independence, Ohio; and 437 West South Street, Frederick, Maryland; and

WHEREAS the Commissioner alleges that First Ohio conducted business involving Maryland mortgage transactions at seven unlicensed locations to include 2240 Woolbright Road, Suite 219, Boynton Beach, Florida; 1669 West 130th Street, #201, Hinckley, Ohio; 3570 Warrensville Road, Suite 210, Shaker Heights, Ohio; 4154 Rupple Road, South Euclid, Ohio; 8251 Mayfield Road, Chesterland, Ohio; 126 Main, Centre Northville, Michigan and 2242 Pinacle Parkway, Twinsburg, Ohio without benefit of a proper license; but also desires to comply with all applicable laws and regulations, and to avoid action being initiated by the Commissioner which would result in costs of litigation, administrative hearings and other expenses; and

WHEREAS the Commissioner desires to ensure that First Ohio will comply with all applicable licensing requirements and other provisions of law and regulations applicable to mortgage lending in this State, and desires to avoid the cost to the taxpayers of lengthy hearings, court proceedings and appeals;

NOW, THEREFORE, in consideration of the foregoing premises, and other good and valuable consideration, the parties agree as follows:

1. First Ohio has applied for and been issued three licenses for Shaker Heights, Ohio; Boynton Beach, Florida and Hinckley, Ohio. They will apply for licensure for any other of its branches, subsidiaries and/or affiliates seeking to do mortgage lending business in Maryland. First Ohio will not conduct mortgage lending

business at any new branches until such licenses have been issued.

2. First Ohio agrees that it shall pay to the Commissioner thirty nine thousand two hundred seventy dollars (\$39,270.00), for conducting business prior to the Commissioner's approval. The fine amounts to four hundred seventy dollars (\$470) for each of the seventy one (71) Maryland loans conducted by First Ohio without benefit of a Maryland license. The fine also includes the non-refundable surcharge of one thousand five hundred dollars (\$1500.00) and four thousand four hundred dollars (\$4400.00) for the unpaid license fees for four locations. The payment of nineteen thousand two hundred seventy dollars (\$19,270.00) will be made to the Commissioner at the execution of this Agreement by check made payable to the Commissioner of Financial Regulation. A payment of ten thousand dollars (\$10,000.00) will be made on or before May 1, 2010 and a payment of ten thousand (\$10,000.00) will be made on or before August 1, 2010.
3. First Ohio agrees that in the event it violates any provision of this Agreement, the MMLL, any other law which applies to mortgage lending in Maryland, or any regulation promulgated pursuant to any such laws; the Commissioner may, at the Commissioner's discretion, take such enforcement actions as permitted by, and in accordance with, applicable law. Subject to the particular circumstances, such actions may include such things as: order to cease and desist, suspension or revocation of mortgage lender license, monetary sanctions, and referral for possible criminal prosecution.
4. First Ohio further acknowledges that it has voluntarily entered into this Agreement, with full knowledge of the right to a hearing pursuant to the MMLL and the Maryland Administrative Procedure Act.
5. This Agreement constitutes the resolution of a disputed matter, and will not be deemed an admission by First Ohio of liability or a willful violation of the licensing provisions of the MMLL.

IN WITNESS WHEREOF, this Agreement is executed in duplicate, on the day and year first above written.

COMMISSIONER OF FINANCIAL
REGULATION

First Ohio Banc & Lending, Inc

By: 

Anne E. Becker
Director Licensing Unit

By: 

Kirk Daskocil
President

By: 

Mark Kaufman
Deputy Commissioner